

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**CITY OF DETROIT’S OBJECTION TO EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION’S CONSOLIDATED NOTICE OF CLAIM AND MEMORANDUM IN
SUPPORT OF NOTICE OF CLAIM FOR ADMINISTRATIVE EXPENSES**

The City of Detroit, Michigan (“City”) objects to the Consolidated Notice of Claim and Memorandum in Support of Notice of Claim for Administrative Expenses (“Motion,” Doc. No. 9139) filed by the Equal Employment Opportunity Commission (“EEOC”) because it was not timely filed. In support of this Objection, the City respectfully states as follows:

1. The City’s Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (“Plan,” Docket Number 8045) provides that applications for administrative expenses needed to be “[f]iled and served on the City no later than 45 days after the Effective Date.” Plan, part II.A.2.a. An applicant who does not submit its claim by that date “will be forever barred from asserting such Administrative Claims against the City or its property, and such Administrative Claims will be deemed discharged as of the Effective Date.” *Id.*

2. On November 12, 2014, this Court entered an Order Confirming the Plan. (Doc. No. 8272). The Effective Date of the Plan occurred on December 10, 2014. Notice of (I) Entry of Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit and (II) Occurrence of Effective Date, Doc. No. 8649 (“Notice of Effective Date”).

3. Administrative Claims against the City thus were due by January 24, 2015, or, since that day was a Saturday, no later than January 26, 2015. *See also* Notice of Effective Date

at 7. The EEOC received the Notice of Effective Date by first class mail. *See* Certificate of Service, Doc. No. 8970-4 at Page 437 of 569.

4. The EEOC did not file its Motion until January 30, 2015. Thus, the Motion is untimely and should be denied.

5. The City files this Objection without prejudice to or waiver of its rights pursuant to section 904 of the Bankruptcy Code, and nothing herein is intended to, shall constitute or shall be deemed to constitute the City's consent, pursuant to section 904 of the Bankruptcy Code, to this Court's interference with (a) any of the political or governmental powers of the City, (b) any of the property or revenues of the City or (c) the City's use or enjoyment of any income-producing property.

6. The City expressly reserves the right to amend, modify, or supplement this Objection.

7. Should the Court dismiss or overrule one or more of the grounds of objection stated in this Objection, the City reserves its right to object to the Motion on other procedural and substantive grounds, and on the merits of the underlying claims. The City also expressly reserves any and all rights, claims, defenses and objections it may have against the EEOC or any of the claimants identified in the Motion in any actions or suits related to the Motion or the underlying claims.

May 4, 2015

Respectfully submitted,

By: /s/ Marc N. Swanson

Jonathan S. Green (P33140)

Marc N. Swanson (P71149)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 496-7591

Facsimile: (313) 496-8451

green@millercanfield.com

swansonm@millercanfield.com

ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT 1 – CERTIFICATE OF SERVICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 4, 2015, he served a copy of the foregoing ***CITY OF DETROIT'S OBJECTION TO EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S CONSOLIDATED NOTICE OF CLAIM AND MEMORANDUM IN SUPPORT OF NOTICE OF CLAIM FOR ADMINISTRATIVE EXPENSES*** upon counsel as listed below, via First Class United States Mail and electronic mail:

Dale Price, Esq.
Equal Employment Opportunity Commission
477 Michigan Ave
Room 65
Detroit, MI 48226
dale.price@eeoc.gov

DATED: May 4, 2015

By: /s/ Marc N. Swanson

Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com